



Attorney Docket No. CSI 1.0-007CIP

RICHARD R. MUCCINO
758 Springfield Avenue
Summit, New Jersey 07901

(908) 273-4988
TELECOPIER: (908) 273-4679



EXPRESS MAIL

PATENT

30 December 2003

Commissioner for Patents
P.O. Box 1450
Alexandria, VA 22313-1450

Re: NEW APPLICATION TRANSMITTAL

Dear Sir

Enclosed please find the patent application of:

Inventor(s): Alain Martin

For (Title): **METHOD FOR TREATING PULMONARY DISEASE
STATES IN MAMMALS BY ALTERING INDIGENOUS *IN VIVO*
LEVELS OF NITRIC OXIDE**

CERTIFICATION UNDER 37 C.F.R. SECTION 1.10

"Express Mail" mailing label number EU511567515US.

Date of Deposit 30 December 2003.

I hereby certify that this New Application Transmittal, and the documents referred to as enclosed, are being deposited with the United States Postal Service "Express Mail Post Office to Addressee" service pursuant to 37 C.F.R. Section 1.10 on the date set out above and is addressed to the: Commissioner for Patents, P.O. Box 1450
Alexandria, VA 22313-1450.

Richard R. Muccino

(typed name of person mailing papers)

(signature of person mailing papers)

This new application is for a(n)

_____ Original.

_____ Design.

_____ Divisional.

_____ Continuation.

☒ Continuation-in-part (CIP).

the specification of which:

☒ is attached hereto.

_____ was filed on _____ as Application Serial No. _____

_____ and was amended on _____. (if applicable)

_____ was described and claimed in

International Appln. No.

filed on

and was amended on _____.

**2. BENEFIT OF PRIOR U.S. APPLICATION(S)
(35 U.S.C. SECTION 120)**

☒ The new application being transmitted is a

_____ continuation
☒ continuation-in-part
_____ divisional
_____ conversion

of copending United States application(s) application serial no. 10/205,353, filed 25 July 2002, and International application no. PCT/US02/26060, filed 15 August 2002 and claims the benefit of the earlier filing date of the prior U.S. and PCT application(s) pursuant to 35 U.S.C. Section 120.

_____ Please abandon the prior U.S. application(s) referred to above at a time while the prior application is pending or when the petition for extension of time in that application is granted and when this application is granted a filing date so as to make this application copending with the prior application.

☒ Please do not abandon the prior U.S. application(s) referred to above at this time.

3. ENCLOSED ARE THE FOLLOWING DOCUMENTS REQUIRED FOR FILING DATE UNDER 37 C.F.R. SECTION 1.53(b) (REGULAR) OR 37 C.F.R. SECTION 1.153 (DESIGN) APPLICATION

 29 Pages of Specification.
 6 Page(s) of Claims.
 1 Page(s) of Abstract.
 0 Sheet(s) of Drawings, which are
 formal informal.

4. ADDITIONAL PAPERS ENCLOSED

 A preliminary amendment under 37 C.F.R. Section 1.111 is attached.

 Please amend the specification by inserting before the first line the sentence:

This application is a continuation
 continuation-in-part
 divisional
of copending U.S. application serial no.

 Prior to calculating the filing fee, please amend the claims by deleting claims .

 Information Disclosure Statement.
 Form PTO-1449.
 References.
 Declaration of Biological Deposit.
 Special Comments.
 Assignment.
 X Express Mail Certification (part of this transmittal letter).
 X Two (2) stamped return-addressed postcards.
 X Check in the amount of \$664.00 calculated as set forth below.
 Other.

5. DECLARATION AND POWER OF ATTORNEY

 X Enclosed.

Executed by

 Inventor(s).
 Legal Representatives of inventor(s). 37 C.F.R. 1.42 or 1.43.

 Joint inventor or person showing a proprietary interest on behalf of inventor who refused to sign or cannot be reached.

 this is the petition required by 37 C.F.R. Section 1.47 and the statement required by 37 C.F.R. Section 1.47 is also attached.

 X Unexecuted.

_____ This application is made by a person authorized under 37 C.F.R. Section 1.41(c) on behalf of all of the above-named inventors. The declaration or oath and Power of Attorney, along with the surcharge required by 37 C.F.R. Section 1.16(e) can be filed subsequently.

_____ Showing that the filing is authorized.

6. INVENTORSHIP STATEMENT

The inventorship for all the claims in this application are:

☒ The same.
_____ Are not the same. An explanation, including the ownership of the various claims at the time the last claimed invention was made, _____ is submitted.
_____ will be submitted.

7. Language

☒ English.
_____ Non-English.
_____ The attached translation is a verified translation.
37 C.F.R. Section 1.52(d).

8. ASSIGNMENT

☒ An assignment of the invention to:

Cellular Sciences, Inc., a corporation duly organized and existing under the laws of the State of New Jersey and having a mailing address at P.O. Box 968, Flemington, New Jersey 08822.

_____ Is enclosed (stapled to a copy of this letter).
☒ Will follow.

9. CERTIFIED COPY

Certified copy(ies) of application(s)

(country) (appln. no.) (filed)

(country) (appln. no.) (filed)

(country) (appln. no.) (filed)

from which priority is claimed under 35 U.S.C. 119

_____ is(are) attached.

_____ will follow.

10. FILING FEE CALCULATION

A. X REGULAR APPLICATION.

Claims as filed				
	Number Filed	Number Extra	Rate	Fee
Basic Fee				\$ 770.00
Total Claims	51 - 20 =	<u> 31 </u> x	\$18.00	= \$ 558.00
Independent Claims	2 - 3 =	<u> 0 </u> x	\$86.00	= \$
Multiple dependent claim(s), if any			\$290.00	\$ --0---
TOTAL FEE				\$1328.00

_____ Amendment cancelling extra claims is enclosed.
_____ Amendment deleting multiple dependencies is enclosed.
_____ Fee for extra claims is not being paid at this time.

B. _____ Design Application.
(\$140.00 - 37 C.F.R. Section 1.16(f))

11. SMALL ENTITY STATEMENT(S)

 X This is a filing by a small entity under 37 C.F.R. Sections 1.9
and 1.27 .

_____ is(are) attached.
_____ will follow.

Filing Fee Calculation
(50% of A or B above).

\$664.00

12. FEE PAYMENT BEING MADE AT THIS TIME

☐ No filing fee is enclosed.

☒ The filing fee is enclosed.

☒ Basic filing fee. \$ 664.00

☐ Recording Assignment.
(\$40.00; 37 C.F.R. Section 1.21(h)(1)) \$ _____

☐ Petition fee for filing by other
than all the inventors or person
on behalf of the inventor where
inventor refused or cannot be
reached. (\$140.00;
37 C.F.R. Sections 1.47 and 1.17(h)). \$ _____

☐ For Processing an application with a
specification in non-English language.
((\$26.00; 37 C.F.R. Sections 1.52(d)
and 1.17(k)). \$ _____

☐ Processing and retention fee.
(\$100.00; 37 C.F.R. Sections 1.53(d)
and 1.21(l)). \$ _____

TOTAL FEES ENCLOSED \$ 664.00

13. METHOD OF PAYMENT OF FEES

☒ Credit Card Payment Form in the amount of \$ 664.00 is enclosed.

☐ Charge Deposit Account 13-4822 in the amount of \$ _____.

14. AUTHORIZATION TO CHARGE ADDITIONAL FEES

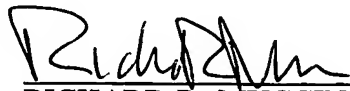
☒ The Commissioner is hereby authorized to charge all fees required during the entire pendency of this application except the issue fee to Deposit Account 13-4822.

15. INSTRUCTIONS REGARDING OVERPAYMENT

☒ Credit any overpayment to Deposit Account 13-4822.

☐ Refund.

(A duplicate of this transmittal letter is attached.)


RICHARD R. MUCCINO
Attorney For Applicant(s)
Registration Number 32,538

Please forward correspondence to:

Richard R. Muccino
758 Springfield Avenue
Summit, New Jersey 07901
Telephone no. (908) 273-4988
Fax (908) 273-4679
Enclosures